

FIRST REGULAR SESSION

# HOUSE BILL NO. 606

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

0768H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 168.133 and 304.060, RSMo, and to enact in lieu thereof two new sections relating to transportation of school children.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 168.133 and 304.060, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 168.133 and 304.060, to read as follows:

168.133. 1. The school district shall ensure that a criminal background check is  
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils  
3 and prior to the individual having contact with any pupil. Such persons include, but are not  
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,  
5 cooks, and nurses. The school district shall also ensure that a criminal background check is  
6 conducted for school bus drivers. The district may allow such drivers to operate buses pending  
7 the result of the criminal background check. For bus drivers, the school district shall be  
8 responsible for conducting the criminal background check on drivers employed by the school  
9 district. For drivers employed by a pupil transportation company, **a municipality, or any other**  
10 **entity** under contract with the school district, the criminal background check shall be conducted  
11 pursuant to section 43.540 and conform to the requirements established in the National Child  
12 Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have  
13 successfully undergone a criminal background check and a check of the family care safety  
14 registry as part of the professional license application process under section 168.021 and who  
15 have received clearance on the checks within one prior year of employment shall be considered  
16 to have completed the background check requirement. A criminal background check under this

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 section shall include a search of any information publicly available in an electronic format  
18 through a public index or single case display.

19         2. In order to facilitate the criminal history background check, the applicant shall submit  
20 a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol.  
21 The fingerprints shall be used by the highway patrol to search the criminal history repository and  
22 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal  
23 history files.

24         3. The applicant shall pay the fee for the state criminal history record information  
25 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee  
26 determined by the Federal Bureau of Investigation for the federal criminal history record when  
27 he or she applies for a position authorized to have contact with pupils pursuant to this section.  
28 The department shall distribute the fees collected for the state and federal criminal histories to  
29 the Missouri highway patrol.

30         4. The department of elementary and secondary education shall facilitate an annual check  
31 of employed persons holding current active certificates under section 168.021 against criminal  
32 history records in the central repository under section 43.530, the sexual offender registry under  
33 sections 589.400 to ~~589.475~~ **589.426**, and child abuse central registry under sections 210.109  
34 to 210.183. The department of elementary and secondary education shall facilitate procedures  
35 for school districts to submit personnel information annually for persons employed by the school  
36 districts who do not hold a current valid certificate who are required by subsection 1 of this  
37 section to undergo a criminal background check, sexual offender registry check, and child abuse  
38 central registry check. The Missouri state highway patrol shall provide ongoing electronic  
39 updates to criminal history background checks of those persons previously submitted, both those  
40 who have an active certificate and those who do not have an active certificate, by the department  
41 of elementary and secondary education. This shall fulfill the annual check against the criminal  
42 history records in the central repository under section 43.530.

43         5. The school district may adopt a policy to provide for reimbursement of expenses  
44 incurred by an employee for state and federal criminal history information pursuant to section  
45 43.530.

46         6. If, as a result of the criminal history background check mandated by this section, it is  
47 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or  
48 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a  
49 similar crime or offense committed in another state, the United States, or any other country,  
50 regardless of imposition of sentence, such information shall be reported to the department of  
51 elementary and secondary education.

52           7. Any school official making a report to the department of elementary and secondary  
53 education in conformity with this section shall not be subject to civil liability for such action.

54           8. For any teacher who is employed by a school district on a substitute or part-time basis  
55 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall  
56 not require such teacher to be subject to any additional background checks prior to having  
57 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise  
58 restricting a school district from requiring additional background checks for such teachers  
59 employed by the school district.

60           9. A criminal background check and fingerprint collection conducted under subsections  
61 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one  
62 school district to another district. A school district may, in its discretion, conduct a new criminal  
63 background check and fingerprint collection under subsections 1 and 2 for a newly hired  
64 employee at the district's expense. A teacher's change in type of certification shall have no effect  
65 on the transferability or validity of such records.

66           10. Nothing in this section shall be construed to alter the standards for suspension,  
67 denial, or revocation of a certificate issued pursuant to this chapter.

68           11. The state board of education may promulgate rules for criminal history background  
69 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in  
70 section 536.010, that is created under the authority delegated in this section shall become  
71 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
72 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
73 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
74 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
75 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and  
76 void.

          304.060. 1. The state board of education shall adopt and enforce regulations not  
2 inconsistent with law to cover the design and operation of all school buses used for the  
3 transportation of school children when owned and operated by any school district or privately  
4 owned and operated under contract with any school district in this state, and such regulations  
5 shall by reference be made a part of any such contract with a school district. The state board of  
6 education may adopt rules and regulations governing the use of other vehicles owned by a district  
7 or operated under contract with any school district in this state and used for the purpose of  
8 transporting school children. The operator of such vehicle shall be licensed in accordance with  
9 section 302.272, and such vehicle shall transport no more children than the manufacturer  
10 suggests as appropriate for such vehicle. The state board of education may also adopt rules and  
11 regulations governing the use of authorized common carriers for the transportation of students

12 on field trips or other special trips for educational purposes. Every school district, its officers  
13 and employees, and every person employed under contract by a school district shall be subject  
14 to such regulations. The state board of education shall cooperate with the state transportation  
15 department and the state highway patrol in placing suitable warning signs at intervals on the  
16 highways of the state.

17 2. Notwithstanding the provisions of subsection 1 of this section, any school board in  
18 the state of Missouri ~~[in an urban district containing the greater part of the population of a city~~  
19 ~~which has more than three hundred thousand inhabitants]~~ may contract with any municipality;  
20 ~~bi-state agency, or other governmental entity]~~ for the purpose of transporting school children  
21 attending a grade or grades not lower than the ninth nor higher than the twelfth grade~~;~~  
22 ~~provided that such contract shall be for additional transportation services, and shall not replace or fulfill~~  
23 ~~any of the school district's obligations pursuant to section 167.231. The school district may~~  
24 ~~notify students of the option to use district contracted transportation services].~~ **Such contract**  
25 **shall require the presence of an adult supervisor who is approved by the school board on**  
26 **any municipal vehicle while such vehicle is transporting children under this subsection.**  
27 **Any time school children are being transported by a municipal vehicle under this**  
28 **subsection, such vehicle shall include a section of seating designated solely for use by school**  
29 **children. Municipalities entering into any such contract shall comply with the**  
30 **requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.**

31 3. Any officer or employee of any school district who violates any of the regulations or  
32 fails to include obligation to comply with such regulations in any contract executed by him **or**  
33 **her** on behalf of a school district shall be guilty of misconduct and subject to removal from  
34 office or employment. Any person operating a school bus under contract with a school district  
35 who fails to comply with any such regulations shall be guilty of breach of contract and such  
36 contract shall be cancelled after notice and hearing by the responsible officers of such school  
37 district.

38 4. Any other provision of the law to the contrary notwithstanding, in any county of the  
39 first class with a charter form of government adjoining a city not within a county, school buses  
40 may bear the word "special".

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